

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**REWARDS PROGRAM USING
ELECTRONICALLY ENCODED INSTRUMENTS**

the specification of which is attached hereto unless the following box is checked

☐ was filed on _____ as Application Serial No. _____
or PCT Application No. _____ and was amended on _____
(if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 CFR §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN/PCT APPLICATION(S)

COUNTRY	APPLICATION NO.	DATE OF FILING	PRIORITY CLAIMED
<hr/>			

COUNTRY	APPLICATION NO.	DATE OF FILING	PRIORITY CLAIMED
None			<input type="checkbox"/> YES NO <input type="checkbox"/>
			<input type="checkbox"/> YES NO <input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

PROVISIONAL APPLICATION NUMBER	DATE OF FILING
None	

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) or §365(c) of any PCT International application(s) designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose material information as defined in 37 CFR §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. §120**

Application Serial No.	Date of Filing	Status (check one)		
		Patented	Pending	Abandoned
None		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

And I hereby appoint Arthur H. Seidel, Registration No. 15,979; Gregory J. Lavorgna, Registration No. 30,469; Daniel A. Monaco, Registration No. 30,480; Thomas J. Durling, Registration No. 31,349; John J. Marshall, Registration No. 29,671; and Joseph R. DelMaster, Jr., Registration No. 38,123, Robert E. Cannuscio, Registration No. 36,469 my attorneys or agents with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all correspondence to Drinker Biddle & Reath, LLP, One Logan Square, 18th and Cherry Sts., Philadelphia, PA, 19103-6996. Address all telephone calls to Gregory J. Lavorgna, Esq. at 215-988-3309 (telefax: 215-988-2757).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF SOLE OR FIRST INVENTOR

Ethan

Rappaport

(GIVEN NAME)

(MIDDLE INITIAL OR NAME)

(FAMILY OR LAST NAME)

Inventor's signature:

Date:

7-18-01

Country of Citizenship: **United States of America**

Residence:

Orange

CT

(City)

(State or Foreign Country)

Post Office Address: **119 Kennedy Drive**

Orange, CT 06477

FULL NAME OF SECOND JOINT INVENTOR

Arthur

Swanberg

(GIVEN NAME)

(MIDDLE INITIAL OR NAME)

(FAMILY OR LAST NAME)

Inventor's signature:

Date:

7-18-01

Country of Citizenship: **United States of America**

Residence:

Westport

CT

(City)

(State or Foreign Country)

Post Office Address: **9 Woodside Lane**

Westport, CT 06880

Attorney Docket No. 34582-152456

Applicant or Patentee: Ethan Rappaport et al.

Serial or Patent No.: Not yet assigned

Filed or Issued: herewith

For: REWARDS PROGRAM USING ELECTRONICALLY ENCODED INSTRUMENTS

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

- ☐ the owner of the small business concern identified below;
- ☐ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN Statcard.com

ADDRESS OF SMALL BUSINESS CONCERN 14 Strawberry Hill Avenue, 3rd Floor,
Norwalk, CT 06855

I hereby state that the above identified small business concern qualifies as a small business concern, as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to, and remain with, the small business concern identified above, with regard to the above-identified invention described in

- ☐ the specification filed herewith, with title as listed above.
- ☒ the application identified above.
- ☐ the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Each such person, concern or organization having any rights in the invention is listed below:

- ☒ No such person, concern or organization exists.
- ☐ Each such person, concern or organization is listed below.

FULL NAME _____
ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS ☐ NON-PROFIT ORGANIZATION

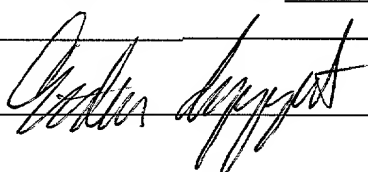
FULL NAME _____
ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS ☐ NON-PROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Ethan Rappaport
TITLE IN ORGANIZATION CTO
ADDRESS OF PERSON SIGNING 119 Kennedy Drive, Orange, CT 06477

SIGNATURE  DATE 7-18-01